

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:22CR191
v.	§	Judge Jordan
	§	
RICHARD WAYNE SMITH	§	

**FACTUAL BASIS**

The defendant, **Richard Wayne Smith**, stipulates and agrees that the following facts are true and correct:

1. The defendant, **Richard Wayne Smith (Smith)**, who is changing his plea to guilty, admits that he is the individual charged in the Indictment.
2. As charged in Count One of the Indictment, between on or about February 25, 2022, and on or about March 1, 2022, in the Eastern District of Texas, **Smith** did knowingly transport any child pornography using any means and facility of interstate and foreign commerce, and in or affecting interstate and foreign commerce by any means, including by computer.
3. Specifically, **Smith** knowingly transported a Seagate 2TB external hard drive that contained files of child pornography including were the following:

FILE NAME	DESCRIPTION
8yo boy fucks girl.avi	This video depicts a prepubescent female laying on her back on a bed while a prepubescent male stands between her legs and penetrates her vagina with his penis.
3yo Girl Held In Mom's Lap While 9yo Son And Father Fuck Her(Sound).avi	This video depicts a prepubescent female laying on her back on an adult female's lap. A prepubescent male stands between her legs and penetrating the prepubescent female's vagina



	with his penis. An adult male then penetrates the prepubescent female's vagina with his erect penis.
1.5y-dildo-full-penetration.mp4	This video depicts an adult male wearing a black head and face covering performing oral sex on an infant female's genitals. The adult male then penetrates the infant female with his erect penis and with a pink foreign object. The adult male then puts his erect penis in the child's mouth.
4yo Simmi Fucking.mp4	This video depicts a prepubescent female laying on her back on a bed while an adult male penetrates her genitals with his erect penis while holding her legs down and apart.
[Redacted]- Anal-Dildo- 10'13 (5Yo [Redacted]-2010).mp4	This video depicts a prepubescent female lying face down on a bed with her anus in the air. An adult male penetrates the female's anus with a white cylindrical object before penetrating the anus and vagina of the female with his erect penis.

4. **Smith** knew that the images and videos he transported and possessed depicted children engaged in sexually explicit conduct and did constitute child pornography. **Smith** also knew that he transported and possessed more than 600 images and videos of child pornography, including files depicting prepubescent minors and depictions of sadistic or masochistic abuse, or the exploitation of an infant or toddler.

5. **Smith** further admits that he traded files of child pornography contained within the Seagate 2TB hard drive with other individuals on a dark website whereby he distributed child pornography in order to receive additional and new child pornography files.

6. **Smith** used the Seagate 2TB external hard drive, bearing serial number NABE2WZB to transport, distribute, and possess the images and videos.

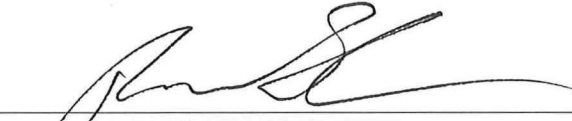
7. **Smith** acknowledges that transporting the Seagate 2TB hard drive from Arkansas into Texas constitutes the transportation of child pornography in or affecting interstate commerce.

8. **Smith** admits that he committed the offense described in the Indictment starting at a location in Conway, Arkansas and thereafter traveling through the Eastern District of Texas to a location in Dallas, Collin County, Texas within the Eastern District of Texas.

**SIGNATURE AND ACKNOWLEDGMENT BY DEFENDANT**  
**RICHARD WAYNE SMITH**

I have read this Factual Basis and have discussed it with my attorney. I fully understand the contents of this Factual Basis and agree without reservation that it accurately describes my acts.

Dated: 4-21-23

  
\_\_\_\_\_  
RICHARD WAYNE SMITH  
Defendant

**SIGNATURE AND ACKNOWLEDGMENT BY ATTORNEY FOR DEFENDANT**

I have read this Factual Basis and the Indictment and have reviewed them with my client. Based upon my discussions with my client, I am satisfied that my client fully understands the Factual Basis.

Dated: 4/20/23

  
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BRIAN G. O'SHEA  
Attorney for the Defendant